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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,313	12/26/2001	Joseph Robert Cleveland	SAMS01-00178	9640

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EXAMINER

EWART, JAMES D

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/033,313	Applicant(s) CLEVELAND ET AL.	
	Examiner James D Ewart	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Response to Arguments

1. Applicant's amendment to the abstract overcomes the objection and the objection is withdrawn.
2. The applicant's arguments regarding the prior art rejections under 35 U.S.C. 103(a), filed October 08, 2004, have been fully considered by the Examiner, but are not deemed persuasive.
3. Applicant argues that Reddy et al does not teach that the Reddy et al. reference does not teach that the base station assigns a vocoder. Examiner disagrees, in the Reddy et al. reference an ms sends a request message to the base station for establishing a call. The request message includes a vocoder type and if the base station has an available vocoder of the same type than a vocoder of the base station is assigned by the base station. If the vocoders in the base station are not of the same type as the vocoder that was requested than the base station sends a rejection message and a vocoder is not assigned. Applicant should indicate in the claim assigning a vocoder of alternative types of vocoders. However, Reddy et al teaches the rejection message may include a message directing the mobile station to retry the call as an analog call when digital capacity is unavailable but analog capacity is available (Column 5, 4-6). In any event, the base station must assign a vocoder if a call is to be established. In addition, the claim language only requires that the vocoder be associated with a base station.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1,3,4,5,6,8,9,11,12,13,14,16,17,19,21 and 22 are rejected under 35 USC 103(a) as being unpatentable over Reddy et al. (U.S. Patent No. 6,243,590) in view of Haimi-Cohen (U.S. Patent No. 6,545,616).

Referring to claims 1,9,17 and 22, Reddy et al. teaches a wireless network comprising: a plurality of base transceiver stations capable of communicating with mobile stations located in a coverage area of said wireless network (Column 1, Lines 52-56 and Column 2, Lines 64-66), wherein a first one of said plurality of base transceiver stations comprises an apparatus for assigning a vocoder associated with said base station to process call traffic associated with a first mobile station (Column 2, Line 62 to Column 3, Line 3 and Column 3, Lines 63-64), wherein said apparatus comprises: a connection network capable of connecting a plurality of vocoders to a plurality of channel elements (Column 1, Lines 29-37 and Column 2, Lines 9-34), each of said plurality of channel elements capable of processing forward channel messages transmitted to said first mobile station and reverse channel messages received from said first mobile station (Column 1, Lines 29-37 and Column 2, Lines 9-34); and a controller capable of receiving a control message transmitted by said first mobile station and extracting from said control message a data value suitable for indicating first selected vocoder (Column 3, Lines 1-3 and 8-11), wherein said controller causes said connection network to connect a first channel element processing forward and reverse channel messages associated with said first mobile station to a first selected vocoder (Column 2, Lines 63-64), but does not teach the vocoder is capable of

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transmitting and receiving TTY/TTD Baudet code traffic. Haimi-Cohen teaches the vocoder is capable of transmitting and receiving TTY/TTD Baudet code traffic (Column 4, Lines 20-42). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Reddy et al. with the teaching of Haimi-Cohen wherein the vocoder is capable of transmitting and receiving TTY/TTD Baudet code traffic to help satisfy the Federal Communications Commission instruction to the wireless telephony industry to develop a solution for TTY over wireless networks (Column 2, Lines 52-54).

Referring to claims 3, 11 and 19, Reddy et al. further teaches wherein said data value comprises at least one predetermined data bit in an overhead control message (Column 3, Lines 1-3 and 30-38 and Figure 2).

Referring to claims 4 and 12, Reddy et al. further teaches wherein said data value comprises a plurality of, bits of the overhead message (Column 3, Lines 1-3 and 30-38 and Figure 2).

Referring to claims 5 and 13, Reddy et al. further teaches wherein said overhead message is an origination message transmitted from said first mobile station to said base station (Column 2, Line 62 to Column 3, Line 3).

Referring to claims 6 and 14, Reddy et al. further teaches wherein the plurality of vocoders includes a plurality of non-TTY/TDD Baudot code-capable vocoders such that the plurality of non-TTY/TDD Baudot code-capable vocoders outnumber the TTY/TDD Baudot

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code-capable vocoders (Column 1, Lines 29-37 and Column 2, Lines 9-34). Since Reddy et al. does not teach TTY/TDD vocoders and the base station services wireless devices with vocoders, the plurality of vocoders are non-TTY/TDD Baudot code-capable vocoders.

Referring to claims 8,16 and 21, Reddy et al. further teaches wherein said controller causes said connection network to connect a second channel element processing forward and reverse channel messages associated with said first mobile station to a second selected vocoder that is incapable of processing TTY/TDD Baudot code traffic if said data value does not indicate that said first mobile station is capable of transmitting and receiving TTY/TDD Baudot code traffic (Column 3, Lines 58-65). The indicator could be any vocoder other than TTY/TTD Baudot Code and the base station does not provide the selected vocoder protocol and thus the next selected vocoder could be used provided that the base station is capable.

5. Claims 2,10 and 18 are rejected under 35 USC 103(a) as being unpatentable over Reddy et al. (U.S. Patent No. 6,243,590) and Haimi-Cohen and further in view of Strawczynski et al. (U.S. Patent No. 6,038,452).

Referring to claims 2,10 and 18, Reddy et al. and Haimi-Cohen teach the limitations of claims 2,10 and 18 but do not teach wherein said data value comprises unique electronic serial number (ESN) data associated with said first mobile station. Strawczynski et al. teaches data value comprises unique electronic serial number (ESN) data associated with said first mobile station (Column 7, Lines 5-10). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Reddy et al. and Haimi-

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Cohen with the teaching of Strawczynski et al. teaches data value comprises unique electronic serial number (ESN) data associated with said first mobile station to establish communication (Column 7, Line 6)

6. Claims 7,15 and 20 are rejected under 35 USC 103(a) as being unpatentable over Reddy et al. (U.S. Patent No. 6,243,590) and Haimi-Cohen and further in view of Kim et al. (U.S. Patent Publication No. 2002/0003789).

Referring to claims 7,15 and 20, Reddy et al. and Haimi-Cohen teach the limitations of claims 7,15 and 20, but do not teach wherein said data value comprises unique International Mobile Station Identifier (IMSI) data associated with said first mobile station. Kim et al. teaches wherein said data value comprises unique International Mobile Station Identifier (IMSI) data associated with said first mobile station (0058). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Reddy et al. and Haimi-Cohen with the teaching of Kim et al. wherein said data value comprises unique International Mobile Station Identifier (IMSI) data associated with said first mobile station to establish a call (0058).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D Ewart whose telephone number is (703) 305-4826. The examiner can normally be reached on M-F 7am - 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James D Ewart can be reached on (703)308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Ewart
January 6, 2005



WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600